

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JACQUELINE BOYKINS,  
o/b/o B.B., a Minor

Plaintiff,

v.

Case No. 15-10380  
Honorable Denise Page Hood

CAROLYN W. COLVIN,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

---

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

This matter is before the Court on Magistrate Judge David R. Grand's Report and Recommendation on Plaintiff's Motion to Withdraw Plaintiff's Complaint [**Docket No. 5, filed July 13, 2015**]. Plaintiff Jacqueline Boykins, on behalf of B.B., a minor, and Defendant did not file an objection to the Report and Recommendation. For the reasons stated below, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation in its entirety. Plaintiff's Motion to Withdraw Plaintiff's Complaint [**Docket No. 4, filed May 18, 2015**] is **GRANTED**.

Fed. R. Civ. P. 41(a)(1)(A)(i) permits the voluntary dismissal of an action by Plaintiff without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.”

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that since Plaintiff did not effectuate service of the summons and complaint, she could have filed a notice of dismissal indicating her intent to voluntarily dismiss her claim without prejudice. The Court also agrees with the Magistrate Judge that there is no reason to deny the Motion requesting the dismissal.

The Court notes that the Magistrate Judge also notified the parties of their right to “seek review of this Report and Recommendation” and reminded them of the timeline in which to do so. As previously stated, neither Plaintiff nor Defendant have filed any objections to the Magistrate Judge’s July 13, 2015, Report and Recommendation. The Court accepts the Magistrate Judge’s Report and Recommendation as this Court’s findings of fact and conclusions of law.

Accordingly,

**IT IS ORDERED** that the Report and Recommendation of Magistrate Judge David R. Grand [**Docket No. 5, filed July 13, 2015**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law.

**IT IS FURTHER ORDERED** that Plaintiff's Motion to Withdraw Plaintiff's Complaint [**Docket No. 4, filed May 18, 2015**] is **GRANTED**.

**IT IS FURTHER ORDERED** that the case is **DISMISSED** without prejudice.

**IT IS SO ORDERED.**

s/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: July 29, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 29, 2015, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry  
Case Manager